

1 **1. Motions:** There are no motions currently pending.

2 **2. Discovery:** The fact discovery deadline has now passed. Pursuant to Judge Spero's March
3 15, 2013 Order, Plaintiff's Motion for Extension of Discovery is denied, though Plaintiff may take
4 the deposition of Plimus employee Ari Kohn in Israel within the sixty (60) days of the Order. (Dkt.
5 84.)

7 During the discovery period, the Parties each served several sets of written discovery
8 requests and both Parties produced documents. In addition, Plaintiff served subpoenas for documents
9 and testimony on third-party Great Hill Partners, LLC, who has responded. Further, Plaintiff took the
10 depositions of four Plimus employees, and Plimus took the deposition of Plaintiff.

11 **3. Settlement and ADR:** The Parties participated in a mediation presided over by Court-
12 appointed mediator Geoff Howard of Bingham McCutchen on November 8, 2012. The Parties had
13 additional discussions following the mediation with Mr. Howard, but no resolution was reached.

14 **4. Scheduling:**

15 **A. Fact Discovery (Class & Merits Issues):** The fact discovery period is now closed.

16 **B. Expert Discovery:** Plaintiff proposes that if Plaintiff intends to rely on expert
17 testimony, she be required to serve the disclosures required by FED. R. CIV. P. 26(a)(2), related to
18 both class issues and the merits of Plaintiff's claims, no later than forty-five (45) days following the
19 deposition of Ari Kohn or, if Plaintiff does not proceed with Mr. Kohn's deposition, forty-five (45)
20 days following the expiration of the sixty (60) day period for Plaintiffs to take Mr. Kohn's
21 deposition. Plimus proposes that if Plaintiff intends to rely on expert testimony, she be required to
22 serve the disclosures required by FED. R. CIV. P. 26(a)(2), related to both class issues and the merits
23 of Plaintiff's claims, no later than thirty (30) days following the deposition of Ari Kohn or, if
24 Plaintiff does not proceed with Mr. Kohn's deposition, thirty (30) days following the expiration of
25 the sixty (60) day period for Plaintiffs to take Mr. Kohn's deposition. Thereafter, Plimus shall have
26 forty-five (45) days to take the deposition(s) of Plaintiff's expert(s), if any, and disclose rebuttal
27 experts. Then, Plaintiff shall have one (1) month to take the deposition(s) of Plimus's rebuttal
28 expert(s), if any.

1 **C. Class Certification Briefing:**

2 The Parties propose that Plaintiff be required to file a supplemental memorandum in support of her
 3 pending motion for class certification no later than the close of expert discovery. If both parties do
 4 not disclose any experts pursuant to FED. R. CIV. P. 26(a)(2), Plaintiff proposes she file her
 5 supplemental memorandum no later than sixty (60) days following the deposition of Ari Kohn or, if
 6 Plaintiff does not proceed with Mr. Kohn's deposition, sixty (60) days following the expiration of
 7 the sixty (60) day period for Plaintiffs to take Mr. Kohn's deposition, and Plimus proposes that
 8 Plaintiff file her supplemental memorandum no later than forty-five (45) days following the
 9 deposition of Ari Kohn or, if Plaintiff does not proceed with Mr. Kohn's deposition, forty-five (45)
 10 days following the expiration of the sixty (60) day period for Plaintiffs to take Mr. Kohn's
 11 deposition. Thirty (30) days thereafter, Defendant shall file a response in opposition to the motion,
 12 and Plaintiff shall then have fourteen (14) days to reply in support of the motion.

13 **D. Dispositive Motions:** The Parties propose that all dispositive motions should be filed
 14 no later than sixty (60) days after ruling on Plaintiff's Motion for Class Certification. Oppositions
 15 should be due no later than thirty (30) days following the filing of any dispositive motion, and
 16 replies should be due fourteen (14) days thereafter. Hearings on dispositive motions shall be set at
 17 the Court's convenience.

18 **E. Final Pre-trial Order:** The Parties propose that a final pretrial order be due forty-
 19 five (45) days after the ruling on any dispositive motion. The Parties further propose that a final
 20 pretrial conference be set at the Court's convenience.

21 **F. Trial:** The Parties presently believe this case should be ready for trial no later than
 22 January 13, 2014.

23 **4. Other Matters:** The Parties are unaware of any other matters that may facilitate the just,
 24 speedy, and inexpensive disposition of this action at this time.
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Respectfully submitted,

KIRKLAND & ELLIS LLP

Dated: March 26, 2013

By: /s/ Jordan M. Heinz
One of Defendant's Attorneys

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Attorneys for Defendant Plimus, Inc.

KIMBERLY YORDY, individually and on behalf of
all others similarly situated,

Dated: March 26, 2013

By: /s/ Christopher L. Dore
One of Plaintiff's Attorneys

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GENERAL ORDER 45 ATTESTATION

I, Christopher L. Dore, am the ECF user whose ID and password are being used to file this **THIRD AMENDED JOINT CASE MANAGEMENT STATEMENT**. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing:
Jordan M. Heinz.

/s/ Christopher L. Dore

CERTIFICATE OF SERVICE

I, Christopher L. Dore, an attorney, hereby certify that on March 26, 2013, I served the above and foregoing ***THIRD AMENDED JOINT CASE MANAGEMENT STATEMENT***, by causing true and accurate copies of such paper to be filed and served upon all counsel of record via the Court's CM/ECF electronic filing system, on this the 26th day of March, 2013.

/s/ Christopher L. Dore